

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 Fernando Gamboa Howard,
5 Petitioner
6 v.
7 Rex W. Tillerson, et al.,
8 Respondents
9

2:17-cv-01977-JAD-GWF

Screening Order

[ECF No. 2]

10 Counseled petitioner and federal detainee Fernando Howard seeks habeas
11 corpus relief under 28 U.S.C. § 2241 from an order to extradite him to Mexico where
12 he is charged with aggravated homicide.¹ I now screen his petition, and then I
13 consider a motion for leave to appear on behalf of the respondents.²

14 Howard has not paid the \$5.00 filing fee for a habeas action or filed an
15 application to proceed *in forma pauperis*. Howard must do one of these actions or
16 cite to some authority that allows him to commence this action without satisfying
17 the filing-fee requirement, otherwise his petition will be dismissed and this case
18 closed. Howard's petition is also defective because it is not verified as required by
19 28 U.S.C. § 2242.

20 Accordingly, IT IS HEREBY ORDERED that, by December 4, 2017, Howard
21 **MUST:** (1) either pay the filing fee, file a pauper application with all required
22 financial attachments, or cite authority that permits the commencement of this
23 action without satisfaction of the filing-fee requirement; **AND** (2) file a verification
24 of the allegations in the petition. **If Howard fails to satisfy either of these**
25 **requirements, this action will be dismissed without further prior notice.**


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27 ¹ ECF No. 1 at 1–3.

28 ² ECF No. 2.

1 IT IS FURTHER ORDERED that the motion for leave to appear on behalf of
2 respondents [ECF No. 2] is **GRANTED**, and the **Clerk of Court** is directed to reflect
3 on the docket **prior to entry of this order that both Ms. Haciski and Ms. Martin are**
4 **appearing as counsel for respondents.**³

5 The **Clerk of Court** is directed to **SEND to the Federal Public Defender**, as an
6 attachment to this order or by other means convenient to the Clerk, a copy of a
7 pauper application for an individual in custody and the instructions for the form.⁴

8 DATED: November 1, 2017.

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11 Jennifer A. Dorsey
12 United States District Judge
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25 ³ The docket does not currently reflect Ms. Martin also as counsel, following upon
26 her notice of appearance on August 8, 2017.

27 ⁴ If it is more expedient for Howard to submit the pauper application as an in-
28 proper-person filing or pay the filing fee directly from an inmate account, that
would be acceptable in the posture of this case.